IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.265 OF 2007

Datta Laxman Raut ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri H.S.Venegavkar, adv. for the Applicant.
Smt. M.H.Mhatre, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 5th March, 2007.

P.C.:

1. Heard Mr.Venegavkar, the learned counsel for the applicant and Mrs.Mhatre, the learned APP for the State. Perused the police papers.

2. According to the prosecution, the first informant Satish, his father Narayan and grandfather had been to weekly bazar on 16-7-2006 at about 8.00 p.m. they were returning home. At that time near Mhasoba Temple within the limits of Modshingi village they heard some sounds. So, in the light of the torch the first informant Satish saw six persons including the present applicant. Out of them, the present applicant and Pratap Tele were armed with knife while other four were armed with sticks. On the allegation that Narayan, father of the first informant Satish, had illicit relations with one Sangita, those persons assaulted

Narayan and when Satish intervened, he was also assaulted by the present applicant. The first informant Satish ran away and on the way he found his brothers and others and he informed them. Thereafter, the report was lodged. Narayan died in that incident. It appears that in all 8 accused persons were arrested out of them 6 were granted bail. The present applicant and one Bhanudas are in jail. The learned counsel for the applicant makes a statement that on the principle of parity, the present applicant is entitled to be released on bail. On the perusal of post mortem report, it reveals that the deceased had suffered two contused lacerated wounds on the head and face and there were multiple fractures of ribs and vertebra and complete thorax including vital organs like stomach, intestine, spleen , kidneys, bladder were found crushed. It appears that the dead body was thrown on the railway track and it was crushed. It appears that initially it was treated as accidental death case but later on the offence of murder came to be registered. There is no eye witness except the first informant Satish and according to him, the present applicant and one Pratap Tele were armed with knives while others were armed with sticks and they were assaulting with the sticks. Out of the 8 as stated above, 6 are already granted bail. It is difficult to distinguish the case of the present

applicant from the others.

3. Therefore, the applicant may also be granted bail.

4. For the aforesaid reasons, the applicant is hereby granted bail in the sum of Rs.20,000/- with surety in the like amount with condition that he shall not tamper with the prosecution evidence and shall attend the police station on every Saturday between 5 and 7 p.m. till the end of the trial and he shall not enter the limits of the village Modshingi. He shall also keep the Investigation Officer informed about his residential address after the release on bail. The applicant shall co-operate in early disposal of the trial and in case, the trial Court finds that the present applicant is trying to delay the same, he shall note down in roznama and on that basis bail granted to the present applicant may be cancelled.

(J.H.Bhatia,J.)